

1 HONORABLE RONALD B. LEIGHTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 RONALD CRAIG POTTER,
14 Defendant.

Case No. CR07-5683RBL
ORDER

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17 THIS MATTER comes on before the above-entitled Court upon Defendant's Motion to Revoke the
18 Detention Order and to Set Conditions for His Release. [Dkt. #29]. The Court has considered the motion, the
19 memorandum in support of the motion, and the certifications of Gladys King, Robert W. Ferguson and Jeanette
20 M. Dalton together with the entirety of the record and file herein. For the reasons set forth below, the
21 defendant's motion is **DENIED**.

22 The defendant is charged in a three count Indictment with being a prohibited person in possession of
23 a firearm, possession of methamphetamine with intent to distribute, and possession of a firearm in furtherance
24 of a drug trafficking crime. [Dkt. #10]. On October 17, 2007 Magistrate Judge Karen L. Strombom
25 conducted a detention hearing and ordered Mr. Potter detained based upon Judge Strombom's findings that:
26 (1) the charges carried a maximum penalty of ten or more years; (2) the defendant was on bond in other
27 charges at the time of the alleged occurrences herein; and (3) the defendant's prior criminal history and
28 substance abuse issues together with the presence of a child in the house where methamphetamine was located.

1 [Dkt. #9].

2 On March 13, 2008 the defendant filed a Motion for a Review of Detention Order [Dkt. #25] relying
 3 on new information that the child was no longer in the defendant's home and was with the child's paternal
 4 grandmother. Defendant also provided a certification of Gladys King, a bail agent who posted bond for the
 5 defendant on his state charges. Ms. King stated that defendant always appeared and she did not consider him
 6 a flight risk. Judge Strombom found that the new information did not alter her conclusion that the defendant
 7 should be detained and she denied the motion for review. [Dkt. #28]. Defendant thereafter filed the instant
 8 motion before this Court seeking release on conditions that include the posting of a \$100,000 bond, electronic
 9 home monitoring, drug testing, and the special condition that no child reside or be present in the defendant's
 10 home.

11 This Court reviews *de novo* the Magistrate Judge's detention order. *United States v. Koenig*, 912 F.2d
 12 1190, 1193 (9th Cir. 1990); *see also* 18 U.S.C. §3145(b). In order for the defendant to be detained prior to
 13 trial, the Court must find that "no condition or combination of conditions will reasonably assure the appearance
 14 of the person as required and the safety of any other person and the community[]." 18 U.S.C. §3142(e).
 15 Because the charged offense involves a potential sentence of ten or more years, a rebuttable presumption exists
 16 that the defendant be detained. *Id.*

17 The defendant has not carried his burden to demonstrate that he is not a danger to the community. Mr.
 18 Potter was originally charged March, 2007 in state court with conspiracy to deliver methamphetamine and
 19 unlawful possession of a firearm. (Complaint, Dkt. #1). He posted bond and was released. However, while
 20 state charges were pending, WestNET officers continued to investigate the defendant and on August 2, 2007
 21 executed a second search warrant at his home. As a result of that search, officers found marijuana,
 22 methamphetamine, two rifles and two handguns, and over \$47,000.00 in cash. (*Id.*) The August 2, 2007
 23 search forms the basis for the federal charges. The defendant's continued dealing in methamphetamine and
 24 possessing firearms even after being charged in state court and being placed on bond demonstrates that the

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1 defendant poses a significant risk to the community. The Court finds that no conditions of release will alleviate
2 that risk. Therefore, Defendant's Motion to Revoke the Detention Order and to Set Conditions of Release
3 [Dkt. #29] is **DENIED**.

4 **IT IS SO ORDERED.**

5 Dated this 21st day of March, 2008.

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7 Ronald B. Leighton
8 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

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